

**FILED**

UNITED STATES COURT OF APPEALS

SEP 12 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

O.N. EQUITY SALES COMPANY,

Plaintiff - Appellant,

v.

DANIEL MARIA CUI,

Defendant - Appellee.

No. 08-15394

D.C. No. CV-07-02844-JSW/MEJ  
Northern District of California,  
San Francisco

ORDER

Pursuant to the stipulation by appellant and appellee under Federal Rule of Appellate Procedure 42(b), it is ordered that appeal no. 08-15394 be dismissed with prejudice. Costs shall be allocated pursuant to the stipulation.

A copy of this order shall act as and for the mandate of this Court.

For the Court:  
MOLLY C. DWYER  
Clerk of the Court

Alihandra M. Totor  
Deputy Clerk  
Ninth Cir. R. 27-7/Advisory Note to Rule 27  
and Ninth Circuit Rule 27-10